IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1868 OF 2006
IN
SECOND APPEAL NO. 644 OF 2006

1. Smt. Rukmini W/o Sadu Pise
(Deceased) through LRs. and ors. ..Applicants

Vs.

Shri Ramchandra Anna Pise ..Respondent

Mr.T.S. Ingale for applicants.
Mr. S.P. Munghate for respondent.

CORAM: B.H. MARLAPALLE, J.

Date : April 18, 2007.

P.C.:

1. Heard Mr. Ingale the learned counsel for the applicants. Mr. Munghate appears for respondent-original appellant. The applicants have succeeded before both the courts below and there is a concurrent decree in their favour. However, Second Appeal No.644 of 2006 has been admitted by this court on 27/6/2006.

2. By this application the applicants are seeking

permission to carry out necessary repairs to the damaged walls and roofs of the suit rooms in their occupation and possession to the Western Side of the house property bearing House No. 700 of Ward No.10 at Ichalkaranji, District Kolhapur. By filing affidavit in reply, the respondent has opposed the said application. The applicants have undertaken to carry out repairs by obtaining the necessary permission, if so required, and they are not claiming any refund of expenses for repairs as at present. There is no reason why this application should not be allowed and the opposition by the respondent is not supported by any valid ground.

3. Hence the application is allowed in terms of prayer clause (a) and it is made clear that carrying out such repairs will be without prejudice to the rights and contentions of the respective parties.

(B.H. Marlapalle,J.)